

In the Claims

Please amend the claims as set forth below. The changes are shown explicitly in the attached "Version Showing Changes Made."

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A<sub>3</sub> 4. (Amended) The passenger discriminating apparatus of claim 3, wherein the means of determining apparatus is configured to determine that a child is sitting directly on the seat when the output of said seat weight sensor exceeds the first threshold value and is not more than a second threshold value and when said human body proximity sensor detects the proximity of the human body.

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